1.   Reconsideration and further prosecution of the above-
identified application are respectfully requested in view
of the amendments and discussion that follows. Claims 1-38
are pending in this application.

Claims 1-38 have been rejected under 35 U.S.C. §103(a)
as being obvious over by U.S. Pat. No. 5,828,747 to Fisher
et al.

2.   Claims 1-38 have been rejected as being obvious over
Fisher et al. In response, independent claims 1, 14, 27
and 38 have been further limited to the context "where the
target occupancies among at least some of the agents are
not equal" and "where the mix and proportion of call types
handled among at least some of the agents are not equal".
Support for this limitation is shown in Tables I and II
where at least some of the target occupancies and the mix
and proportion of call types handled among at least some of
the agents are not equal. Support for this claim
limitation is also provided by the fact that primary agents
"would be expected to have a higher occupancy rating for
the work type than secondary agents" (specification, page
10, lines 27-30).

Independent claims 1, 14, 27 and 38 have also been
further limited to the context "wherein, as opposed to
creating semi-permanent groups of agents and queuing calls
to an appropriate group, the automatic call distributor
places the agents in a single pool and directs all calls to
this pool". Support for this further limitation may be
found in numerous locations within the specification (e.g.,
page 5, lines 28-31).

It may be noted first that any target occupancy of
Fisher et al. is determined by a formula. Fisher et al.
explicitly states that "The formula used to compute the
occupancy is a function of the demands of equity: if equity
demands that all agents handle the same number of calls,
call-distribution function 150 determines the number of
calls that have been handled by the idle agent in a
predetermined time period, e.g., within the last hour, or
since the agent last logged in, at step 304; but if equity
demands that all agents spend the same amount of time
handling calls, call distribution function 150 determines
the percentage of time that has been spent by the idle
agent on handling calls in a predetermined period, e.g.,
within the last hour, or since the agent last logged in, at
step 305" (Fisher et al., col. 4, lines 25-27).

In contrast, independent claims 1, 14, 27 and 38
specifically exclude the demands of equity. In this
regard, claims 1, 14, 27 and 38 are explicitly limited to
the context "where the target occupancies among at least
some of the agents are not equal" and "where the mix and
proportion of call types handled among at least some of the
agents are not equal".

Further, since Fisher et al. is specifically directed
to the equitable distribution of calls, any change in
Fisher et al. to assign call in an inequitable or unequal
manner among its agents would render Fisher et al.
unsatisfactory for its intended use. Since Fisher et al.
could not be modified without changing an essential
characteristic of Fisher et al., any rejection based upon
Fisher et al. would now be improper and should be
withdrawn.

It may be noted next that independent claims 1, 14, 27

13

and 38 are explicitly limited to the context "wherein, as opposed to creating semi-permanent groups of agents and queuing calls to an appropriate group, the automatic call distributor places the agents in a single pool and directs all calls to this pool". In contrast, Fisher et al. explicitly states that "Agents 106-108 who are available for handling calls are assigned to agent queues 131-139" (Fisher et al., col. 3, lines 49-51).
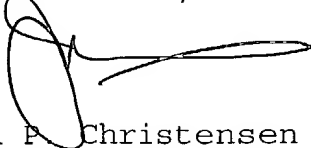
Since Fisher et al. uses a number of agent groups, Fisher et al. is structurally different and could not offer the efficiencies of the claimed invention. For example, "one benefit of using a common group relates to economies of scale. Two separate groups that separately require 10 agents each would typically only require 18 agents from a common pool of agents" (specification; page 3, line 34 to page 4, line 3).

Since Fisher et al. uses a number of agent groups, Fisher et al. does not teach each and every claim limitation. Since Fisher et al. does not teach each and every claim limitation, the rejections are now improper and should be withdrawn.

3.   Allowance of claims 1-38, as now presented, is believed to be in order and such action is earnestly solicited.   Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

WELSH & KATZ, LTD.

By:
Jon P. Christensen
Registration No. 34,137

November 12, 2004
WELSH & KATZ, LTD.
120 S. Riverside Plaza
22nd Floor
Chicago, Illinois   60606
312-655-1500